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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/602,547

06/24/2003

Kyle Bateman

2280.ACT1.NP

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02/24/2006

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EXAMINER

CHAMBERS, TROY

ART UNIT

PAPER NUMBER

3641

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## DETAILED ACTION

### *Response to Amendment*

1. The reply filed on 12/12/05 is not fully responsive to the prior Office Action because:

- a. Contrary to applicant's arguments, Figures 2 and 3 are not the same embodiment. Figure 3 was submitted as including a space between the two plates. Applicant's arguments of a drafting error is insufficient since the Examiner must consider the application as *filed*. Moreover, the statement of draftsman's error is put in doubt since the applicant amended only Figure 3. What of the other Figures that clearly disclose a space between the plates. The Examiner also reviewed the drawings submitted in the provisional application 60/395540. In the provisional, figure 1 is shown with a space between the plates while Figure 1 of the instant application does not show a space. Similarly, figures 3, 4, 5, 6 and 7 of the provisional show a seam (meaning no space between the plates) while the drawings of the instant application clearly show a space between the plates (no seam). At best, claims requiring a seam will not be entitled to the filing date of the provisional application.
- b. Finally, in response to the restriction requirement, the applicant elected figure 3 and claims 1-7, 12-18, 21, 22, 27-44 and 50 as readable thereon. However, figure 3 discloses neither a facing strip or backing strip with at least one arm (claim 21) nor is there disclosed a plurality of sheets of material for inhibiting ricocheting (claim 50) since only 1 sheet is shown.

Art Unit: 3641

To avoid new matter objections/rejections or loss of priority, the applicant is encouraged to include in the response new drawings consistent with those filed in the provisional application. The applicant should also provide a list of claims to be examined that are consistent with the elected embodiment of figure 3.

Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

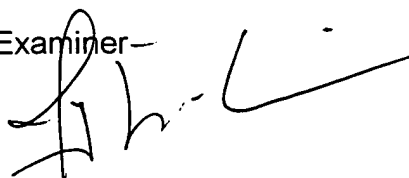
The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

### ***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is (571) 272-6874 between the hours of 7:00 a.m. to 3:30 p.m., M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone, can be reached at (571) 272-6873.

Troy Chambers, Examiner

Art Unit 3641

A handwritten signature in black ink, appearing to read 'Troy Chambers', is written over the printed name and unit.